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EXAMINER
PATEL, NIKETA I

ART UNIT	PAPER NUMBER
2181	

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Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/893,733	REMER, ERIC B.
	Examiner	Art Unit	
	Niketa I. Patel	2181	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

·A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>08 November 2005</u>.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-13,18-21,24,25 and 27-33* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-13,18-21,24,25 and 27-33* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>06/29/2001</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), was filed in this application after final rejection. Since this application is

eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e)

has been timely paid, the finality of the previous Office action has been withdrawn pursuant to

37 CFR 1.114. Applicant's submission filed on 11/08/2005 has been entered.

Response to Arguments

2.   Applicant's arguments with respect to claims 1-13, 17-25 and 27-30 have been considered

but are moot in view of the new ground(s) of rejection.

Claim Objections

3.   Claim 1 is objected to because of the following informalities: line 11 is missing a period

('.') after the recitation "service mechanism". Appropriate correction is required.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) The invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5.   Claims 1-3, 7, 10-13, 17-18, 20, 24-25, 27 and 29-33 are rejected under 35 U.S.C. 102(e)

as being anticipated by Reichmeyer et al. U.S. Patent Number: 6,286,038 B1 (hereinafter

referred to as "*Reichmeyer*".)

6.   **Referring to claims 1, 7, 10, 17-18, 24, 27, 29, 30,** *Reichmeyer* teaches a method for

configuring a headless device [see column 3, lines 10-13, 'a network device, such as a router'

and column 6, lines 24-27], comprising: sending, by a self-initiated configuration mechanism in

the headless device [see column 3, lines 25-33, 45-54 and column 4, lines 4-30], a configure

service request to a configuration service mechanism across a network, the service request asking

for a configuration specification corresponding to the headless device [see column 4, lines 4-30

and column 6, lines 2-17, 24-31]; receiving from the configuration service mechanism, the

configuration specification to the self-initiated configuration mechanism at the headless device

[see column 3, lines 25-33, 45-54 and column 4, lines 4-30 and column 6, lines 2-17, 24-31], and

configuring, by the self-initiated configuration mechanism in the headless device, the headless

device according to the configuration specification received from the configuration service

mechanism [see column 3, lines 25-33, 45-54 and column 4, lines 4-30 and column 6, lines 2-17,

24-31.]

7.   **Referring to claim 2,** *Reichmeyer* teaches further including: registering the headless

device, prior to the sending, with the configuration service mechanism using a device

identification of the headless device [see column 6, lines 27-31.]

8.   **Referring to claim 3,** *Reichmeyer* teaches wherein the registering includes: receiving, by

the configuration service mechanism from a configuration specification set-up mechanism, a

request to set up the configuration specification of the headless device, the request including the

device identification, recording the device identification of the headless device to register the

headless device, and storing the configuration specification of the headless device [see column 3,

lines 25-33, 45-54 and column 4, lines 4-30 and column 6, lines 2-17, 24-31.]

9.   **Referring to claim 11,** *Reichmeyer* teaches wherein the initializing comprises:

registering the headless device using the device identification [see column 3, lines 25-33, 45-54

and column 4, lines 4-30 and column 6, lines 2-17, 24-31]; setting up the initial configuration

specification of the headless device [see column 3, lines 25-33, 45-54 and column 4, lines 4-30

and column 6, lines 2-17, 24-31]; and storing the initial configuration specification of the

headless device as the current configuration specification of the headless device [see column 3,

lines 25-33, 45-54 and column 4, lines 4-30 and column 6, lines 2-17, 24-31.]

10.   **Referring to claim 12,** *Reichmeyer* teaches wherein the updating comprises: updating the

current configuration specification of the headless device to generate an updated configuration

specification of the headless device [see column 3, lines 25-33, 45-54 and column 4, lines 4-30

and column 6, lines 2-17, 24-31]; and replacing the current configuration specification with the

updated configuration specification [see column 3, lines 25-33, 45-54 and column 4, lines 4-30

and column 6, lines 2-17, 24-31.]

11.   **Referring to claim 13,** *Reichmeyer* teaches wherein the forwarding comprises: retrieving

the configuration specification of the headless device using the device identification [see column

3, lines 25-33, 45-54 and column 4, lines 4-30 and column 6, lines 2-17, 24-31]; and sending the

configuration specification, retrieved by the retrieving, to the routable address [see column 3,

lines 25-33, 45-54 and column 4, lines 4-30 and column 6, lines 2-17, 24-31.]

12.   **Referring to claim 20,** *Reichmeyer* teaches wherein the configuration specification

retrieval mechanism comprises: a request initiation mechanism for initiating a request to the

configuration service mechanism to retrieve the configuration specification based on the device

identification, the request being sent with the device identification and the routable address, to

where the retrieved configuration specification is sent [see column 3, lines 25-33, 45-54 and

column 4, lines 4-30 and column 6, lines 2-17, 24-31]; and a receiver for receiving, after the

request is sent, the configuration specification from the configuration service mechanism [see

column 3, lines 25-33, 45-54 and column 4, lines 4-30 and column 6, lines 2-17, 24-31.]

13.   **Referring to claim 25,** *Reichmeyer* teaches wherein the program further causes, when

executed: receiving, prior to the sending, a request to register the headless device and its

corresponding configuration specification using a device identification sent with the request [see

column 3, lines 25-33, 45-54 and column 4, lines 4-30 and column 6, lines 2-17, 24-31];

recording the device identification of the headless device [see column 3, lines 25-33, 45-54 and

column 4, lines 4-30 and column 6, lines 2-17, 24-31]; and storing the configuration

specification of the headless device [see column 3, lines 25-33, 45-54 and column 4, lines 4-30

and column 6, lines 2-17, 24-31.]

14.   **Referring to claims 31-33,** *Reichmeyer* teaches wherein the headless device is a device

which has no means to receive user input except for a network interface card [see column 3, lines

10-13, 'a network device, such as a router' and column 6, lines 24-27 and column 8, 18-42.]

Claim Rejections - 35 USC § 103

15.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

16.   Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Reichmeyer et al.

U.S. Patent Number: 6,286,038 B1 (hereinafter referred to as *"Reichmeyer".*)

17.   **Referring to claim 21,** *Reichmeyer* teaches a headless device, comprising: a

communication mechanism for performing communications and a self-initiated configuration

mechanism for configuring the headless device via a configuration service mechanism through

the communication mechanism [see *Reichmeyer* column 3, lines 25-33, 45-54 and column 4,

lines 4-30 and column 6, lines 2-17, 24-31] however, does not set forth the limitation of a time

out mechanism for controlling the receiver to receive the configuration specification within a

length of time determined according to a time out condition.

It would have been obvious to one of ordinary skill in the art at the time of applicant's

invention that it was old and well know in the computer art to get the advantage of saving system

resources by setting a time out condition on receiving configuration specification to prevent the

receiver form falling into an infinite wait-state loop. It would have been obvious to one of

ordinary skill in the art at the time of applicant's invention to include of a time out mechanism

for controlling the receiver to get this advantage.

18.   Claims 4-6, 8-9, 19 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Reichmeyer et al. U.S. Patent Number: 6,286,038 B1 (hereinafter referred to as

"*Reichmeyer*") and further in view of Lindbo et al. U.S. Patent Application Publication No.:

2004/0068576 A1 (hereinafter '*Lindbo.*')

19.   **Referring to claims 4, 8, 19, 28**, *Reichmeyer* teaches requesting, requesting a routable

address form a DHCP server and requesting the configuration from the configuration service

mechanism using the device identification, that is to be used to identify the configuration

specification, and the routable address, to where the configuration specification of the headless

device is to be returned [see *Reichmeyer* column 3, lines 25-33, 45-54 and column 4, lines 4-30

and column 6, lines 2-17, 24-31], however does not set forth the limitation of selecting if the

routable address can not be retrieved from the DHCP server, an alternative routable address from

at least one alternative routable address stored in an alternative routable address storage in the

headless device. *Lindbo* teaches to maintain a list of alternative address in order to allow a

requested to be routed to its detonation in an event of primary route failure [see *Lindbo*

paragraph 27.]

        One of ordinary skill in the art at the time of applicant's invention would have clearly

recognized that it is quite advantageous for system of *Reichmeyer* to be use an alternate address

in order to provide alternative routes in an event of the primary route failure. It is for this reason

that one or ordinary skill in the art would have been motivated to implement *Reichmeyer's*

system with the ability to use an alternate address in order to provide alternative routes in an

event of the primary route failure.

20.   **Referring to claim 5**, *Reichmeyer* as modified by the teachings of *Lindbo*, supra, teaches

wherein the returning includes receiving the configuration service request with the device

identification and the routable address or the alternative routable address, retrieving the

configuration specification based on the device identification, and sending the configuration

specification, retrieved by the retrieving, to the routable address or the alternative routable

address [see *Reichmeyer* column 3, lines 25-33, 45-54 and column 4, lines 4-30 and column 6,

lines 2-17, 24-31.]

21.   **Referring to claim 6**, *Reichmeyer* as modified by the teachings of *Lindbo*, supra, teaches

further including: receiving a request to Update the existing Configuration specification of a

headless device, the request including a device identification of the headless device; and

updating the existing configuration specification of the headless device according to the request

to generate updated configuration specification; and replacing the existing configuration

specification with the updated configuration specification [see *Reichmeyer* column 3, lines 25-

33, 45-54 and column 4, lines 4-30 and column 6, lines 2-17, 24-31.]

22.   **Referring to claim 9**, *Reichmeyer* as modified by the teachings of *Lindbo*, supra, teaches

a headless device, comprising: a communication mechanism for performing communications and

a self-initiated configuration mechanism for configuring the headless device via a configuration

service mechanism through the communication mechanism [see *Reichmeyer* column 3, lines 25-

33, 45-54 and column 4, lines 4-30 and column 6, lines 2-17, 24-31] however, does not set forth

the limitation of activating a time out mechanism that enforces a time out control according to a

time out condition, the time out condition defining a length of time; if the configuration

specification is not received within the length of time and if the alternative routable address is

determined by the selecting, returning to the selecting; and if the configuration specification is

not received within the length of time and if the routable address is determined by the server,

returning to the requesting the configuration specification. However, does not set forth the

limitation of a time out mechanism for controlling the receiver to receive the configuration

specification within a length of time determined according to a time out condition.

It would have been obvious to one of ordinary skill in the art at the time of applicant's

invention that it was old and well know in the computer art to get the advantage of saving system

resources by setting a time out condition on receiving configuration specification to prevent the

receiver form falling into an infinite wait-state loop. It would have been obvious to one of

ordinary skill in the art at the time of applicant's invention to include of a time out mechanism

for controlling the receiver to get this advantage.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Niketa I. Patel whose telephone number is (571) 272 4156. The

examiner can normally be reached on M-F 8:00 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Dov Popovici can be reached on (571) 272 4083. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NP
11/21/2005

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